

10/522096

Atty. Docket No.: 532622010200

DT01 Rec'd PCT/PTO 24 JAN 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Dr. Thomas EHRHARDT et al.

Serial No.: To be assigned

Filing Date: Concurrently herewith

For: SUCROSE-6-PHOSPHATE PHOSPHATASE AS  
TARGET FOR HERBICIDES

Examiner: Not Yet Assigned  
Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted with the application; accordingly, no fee or separate requirements are required.

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

Application No: Not yet signed

Atty. Docket No. 532622010200

10/522096  
DT01 Rec'd PCT/PTC 24 JAN 2005

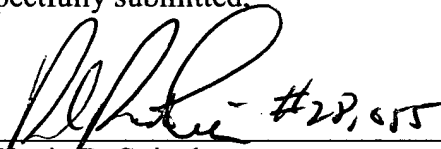
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 532622010200.

Dated: January 24, 2005

Respectfully submitted,

By:

 #28,855  
Kevin R. Spivak  
Registration No.: 43,148  
Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, Va. 22102-3915  
Telephone: (703) 760-7762  
Facsimile: (703) 760-7777

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	To be assigned 10/522096
				Filing Date	Concurrently herewith
				First Named Inventor	Dr. Thomas EHRHARDT
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
Sheet	1	of	2	Attorney Docket Number	532622010200

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	6,323,015-B1	11-27-2001	Orozco, Jr. et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
	2.	WO-01/79514-A2	10/25/2001	Syngenta Participations AG		✓
	3.	EP-1033405-A2	9/6/2000	Ceres Incorporated		✓

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	4.	John E. Lunn. (2003) "Sucrose-phosphatase Gene Families in Plants," Gene: An International Journal on Genes and Genomes, Elsevier Science Publishers, Vol. 303, pp. 187-196		
	5.	Eccheveria et al. (1997) "Physical and Kinetic Evidence for an Association Between Sucrose-Phosphate Synthase and Sucrose-Phosphate Phosphatase," Plant Physiol., Vol. 115, pp. 223-227		
	6.	Lunn et al. (2000) "Purification, Molecular Cloning and Sequence Analysis of Sucrose-6 <sup>P</sup> -Phosphate Phosphohydrolase from Plants," Procl. Natl. Acad. Scie. Vol. 97, No. 23, pp. 12914-12919		
	7.	Eccheveria et al. (1994) "Properties of Sucrose-Phosphate Phosphatase from Rice (Oryza Sativa) Leaves," Plant Science, Vol. 96, pp. 15-19		
	8.	David P. Whitaker (1984) "Purification and Properties of Sucrose-6-Phosphatase from Pisum Sativum Shoots," Phytochemistry, Vol. 23, No. 11, pp. 2429-2430		
	9.	Bruce N. Ames (1956) "Assay of Inorganic Phosphate, Total Phosphate and Phosphatases," Analytical Methods, Vol. 8, pp. 115-118		
	10.	S. Chifflet et al. (1988) "A Method for the Determination of Inorganic Phosphate in the Presence of Labile Organic Phosphate and High Concentrations of Protein: Application to Lens ATPases," Analytical Biochemistry, Vol. 168, pp. 1-4		
	11.	Lanzetta et al. (1979) "An Improved Assay for Nanomole Amounts of Inorganic Phosphate," Analytical Biochemistry, Vol. 100, pp. 95-97		
	12.	Uwe Sonnewald. (1992) "Expression of E. Coli Inorganic Pyrophosphatase in Transgenic Plants Alters Photoassimilate Partitioning," The Plant Journal, Vol. 2, No. 4, pp. 571-581		
	13.	F. Bornke et al. (2001) "Cloning and Characterization of the Gene Cluster for Palatinose Metabolism from the Phytopathogenic Bacterium Erwinia Rhapontici," Journal of Bacteriology, Vol. 183, No. 8, pp. 2425-2430		
	14.	Gen Bank Acc. No. AF283565 u. AAG31075		
	15.	Gen Bank Acc. No. AF 434711 u. AAL30747		
	16.	Gen Bank Acc. No. AG356816 u. AAK40235		
	17.	Gen Bank Acc. No. AY029159 u. AAK31789		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	To be assigned <b>522096</b>
				Filing Date	Concurrently herewith
				First Named Inventor	Dr. Thomas EHRHARDT
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
Sheet	2	of	2	Attorney Docket Number	532622010200

	18.	Gen Bank Acc. No. AF321557 u. AAK09372	
	19.	Gen Bank Acc. No. AF321556 u. AAK09371	
	20.	Gen Bank Acc. No. AF283566 u. AAG31076	
	21.	Gen Bank Acc. No. AAG31074	

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--